

Short Title: GSC Unif. Faithful Presidential Electors Act.

A BILL TO BE ENTITLED

AN ACT TO ENACT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

The General Assembly of North Carolina enacts:

PART I. UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT

[Staff Note: Redlining in this Part represents changes to the Uniform Act. Most new redlined language reflects current law this bill repeals and reincorporates into the new Article 18B. A note follows each section or subsection indicating where the language originated. GSC staff also made non-redlined changes to conform to the General Statutes numbering system and convention of capitalizing only the first word in a G.S. section catchline.]

SECTION 1.(a) Article 18 of Chapter 163 of the General Statutes is repealed.

SECTION 1.(b) Chapter 163 of the General Statutes is amended by adding a new article to read:

"Article 18B.

"Uniform Faithful Presidential Electors Act.

"§ 163-214.1. Short title.

This ~~act~~ Article may be cited as the Uniform Faithful Presidential Electors Act.

"§ 163-214.2. Definitions.

In this ~~act~~ Article, the following definitions apply:

- (1) ~~"Cast" means accepted~~ Cast. – Accepted by the ~~{Secretary of State}~~ Secretary of State in accordance with ~~Section 7(b)~~ G.S. 163-214.7(b).
- (2) ~~"Elector" means an~~ Elector. – An individual selected as a presidential elector under ~~{applicable state statute}~~ and this ~~act~~ Article.
- (3) ~~"President" means President~~ President. – President of the United States.
- (4) ~~["Unaffiliated presidential candidate" means a~~ Unaffiliated presidential candidate. – A candidate for President who qualifies for the general election ballot in this state ~~by means other than nomination by a political party.~~ State under G.S. 163-122.

1 ~~[(5)]~~“Vice President” means ~~Vice~~ (5) Vice President. – Vice President of the
2
3 United States.

4
5 *[Staff Note: G.S. 163-122 appears in Part 2 of this draft.]*

6
7 **"§ 163-214.3. Designation of State's electors-electors; electors not printed on ballots.**

8
9 (a) For each elector position in this ~~state~~, State, a political party contesting the ~~position~~,
10 ~~or an unaffiliated presidential candidate,~~ position, or an unaffiliated presidential candidate, shall
11 submit to the ~~[Secretary of State]~~ Secretary of State the names of two qualified individuals. One
12 of the individuals **must** be designated "elector nominee" and the other "alternate elector
13 ~~nominee".~~ nominee." In the case of an unaffiliated presidential candidate, the names of nominees
14 for electors and alternate electors shall be filed with the Secretary of State no later than 12:00
15 noon on the first Friday in August. Except as otherwise provided in ~~Sections 5 through 8,~~
16 G.S. 163-214.5 through G.S. 163-214.8, this state's State's electors are the winning elector
17 nominees under the laws of this ~~state~~, State. *[UFPEA, Section 3, except that the highlighted*
18 *sentence was taken and adapted from current G.S. 163-209(a). Additional darker highlighting*
19 *throughout this section indicates inconsistent use of "shall" and "must."]*

20 (b) The number of electors to be chosen shall be equal to the number of Senators and
21 Representatives in Congress to which this State may be entitled. Electors shall not be nominated
22 by primary election; instead, they shall be nominated (i) in a State convention of each political
23 party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the
24 political party or (ii) by a candidate for President of the United States who has qualified to have
25 his or her name printed on the general election ballot as an unaffiliated presidential candidate
26 under G.S. 163-122. *[Taken and adapted from current G.S. 163-1(c). Highlighting indicates*
27 *changes to the language in G.S. 163-1(c), except for darker highlighting of "shall." Due to*
28 *redundancy with subsection (a), some language from G.S. 163-1(c) was omitted. 2011 HB 638*

1 *did not include this subsection (b), but kept it in G.S. 163-1(c). Moving the language to this*
2 *location is a GSC staff suggestion.]*

3 (c) The names of the elector nominees and alternate elector nominees shall not be printed
4 on the ballot. In place of their names, there shall be printed on the ballot the names of the
5 candidates for President and Vice President (i) of each political party recognized in this State and
6 (ii) who have qualified to have their names printed on the general election ballot under
7 G.S. 163-122. A vote for the candidates named on the ballot shall be a vote for the electors of the
8 party or unaffiliated presidential candidate by which those electors were nominated and whose
9 names have been filed with the Secretary of State. *[Taken and adapted from current G.S.*
10 *163-209(a). Highlighting indicates changes to the language in G.S. 163-209(a), except for darker*
11 *highlighting of "shall." One sentence from current G.S. 163-209(a) regarding the deadline for*
12 *unaffiliated candidates to submit elector names was moved to subsection (a) as a GSC staff*
13 *suggestion. One other sentence from current G.S. 163-209(a) regarding the deadline for*
14 *unaffiliated candidates to submit the name of Vice President was moved to G.S. 163-122 as a*
15 *GSC staff suggestion, as highlighted in Part 2 of this draft.]*

16 *[Legislative Note: For a state wishing to accommodate unpledged electors, the following three*
17 *sentences could be substituted for the first two sentences of Section 3: "Any political party [or*
18 *unaffiliated presidential candidate] advancing candidates for elector positions in this state shall*
19 *submit to the [Secretary of State] the names of two qualified individuals for each elector position*
20 *to be contested. One of the individuals must be designated "elector nominee" and the other*
21 *"alternate elector nominee". Any unpledged candidate for the position of elector who is not*
22 *nominated by a political party or unaffiliated presidential candidate shall submit to the*
23 *[Secretary of State], in addition to the individual's own name as "elector nominee", the name of*
24 *another qualified individual designated as "alternate elector nominee"."]*

25
26 *[Staff Note: For the 2024 Presidential election, NC will have 16 electors (two senators and 14*
27 *representatives). The Uniform Act would require each party or unaffiliated candidate to submit*
28 *a name plus an alternate name for each elector, or 32 names total. Current law under G.S. 163-1*
29 *requires each party or unaffiliated candidate to submit a name for each elector plus a total of*
30 *two alternate electors, or 18 names total.*

31
32 *Background Statutes:*

33 **§ 163-1. Time of regular elections and primaries.**

1 (a) *Unless otherwise provided by law, elections for the officers listed in the tabulation*
2 *contained in this section shall be conducted in all election precincts of the territorial units*
3 *specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date*
4 *of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the*
5 *column headed "Term of Office."*

6 (b) *On Tuesday next after the first Monday in March preceding each general election to*
7 *be held in November for the officers referred to in subsection (a) of this section, there shall be*
8 *held in all election precincts within the territory for which the officers are to be elected a primary*
9 *election for the purpose of nominating candidates for each political party in the State for those*
10 *offices.*

11 (c) *On Tuesday next after the first Monday in November in the year 1968, and every four*
12 *years thereafter, or on such days as the Congress of the United States shall direct, an election*
13 *shall be held in all of the election precincts of the State for the election of electors of President*
14 *and Vice-President of the United States. The number of electors to be chosen shall be equal to*
15 *the number of Senators and Representatives in Congress to which this State may be entitled.*
16 *Presidential electors shall not be nominated by primary election; instead, they shall be*
17 *nominated in a State convention of each political party as defined in G.S. 163-96 unless*
18 *otherwise provided by the plan of organization of the political party; provided, that in the case*
19 *of a candidate for President of the United States who has qualified to have his name printed on*
20 *the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall*
21 *nominate presidential electors. One presidential elector shall be nominated from each*
22 *congressional district and two from the state-at-large, and in addition, the State convention of*
23 *each party and the unaffiliated candidate shall each nominate first and second alternate electors*
24 *who shall serve if their slate is elected as provided by [G.S. 163-209] and if there is a vacancy*
25 *as provided by G.S. 163-210.*

26 (d) *If primaries for the State Senate or State House of Representatives are temporarily*
27 *moved from the date provided in subsection (b) of this section for any election year, all primaries*
28 *shall be held on the same day.*

29
30 **§ 163-209. Names of presidential electors not printed on ballots; notification.**

31 (a) *The names of candidates for electors of President and Vice-President nominated by*
32 *any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c)*
33 *by a candidate for President of the United States who has qualified to have his or her name*
34 *printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be*
35 *filed with the Secretary of State but shall not be printed on the ballot. In the case of the*
36 *unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of*
37 *State no later than 12:00 noon on the first Friday in August. In place of their names, there shall*
38 *be printed on the ballot the names of the candidates for President and Vice-President of each*
39 *political party recognized in this State, and the name of any candidate for President who has*
40 *qualified to have his or her name printed on the general election ballot under G.S. 163-122. A*
41 *candidate for President who has qualified for the general election ballot as an unaffiliated*
42 *candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file*
43 *with the State Board of Elections the name of a candidate for Vice-President, whose name shall*
44 *also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for*
45 *the electors of the party or unaffiliated candidate by which those candidates were nominated and*
46 *whose names have been filed with the Secretary of State.*

47 (b) *Upon receiving the filing of a name as a candidate for elector under this section, the*
48 *Secretary of State shall notify that candidate of the dual-office holding requirements of the North*
49 *Carolina Constitution and the General Statutes, including specifically that if a person elected as*

1 *elector holds another elective office at the time of taking the oath of office as elector, that other*
2 *office is vacated upon taking the oath of office.]*

3
4 **"§ 163-214.3A. Electors and dual office holding.**

5 (a) Upon receiving the submission of names for elector nominees and alternate elector
6 nominees under G.S. 163-214.3, the Secretary of State shall notify each nominee of the
7 dual-office holding requirements of the North Carolina Constitution and the General Statutes,
8 including specifically that if an individual elected as elector holds another elective office at the
9 time of taking the oath of office as elector, that other office is vacated upon taking the oath of
10 office. *[Taken and adapted from current G.S. 163-209(b). Highlighting indicates changes to the*
11 *language in G.S. 163-209(b).]*

12 (b) During January of each year in which electors are elected, the Secretary of State shall
13 notify each political party authorized to nominate electors of (i) the requirement under
14 G.S. 163-214.3 to nominate alternate electors and (ii) the dual-office holding requirements of the
15 North Carolina Constitution and the General Statutes, including specifically that if a person
16 elected as elector holds another elective office at the time of taking the oath of office as elector,
17 that other office is vacated upon taking the oath of office. *[Taken and adapted from current G.S.*
18 *163-209.1. Highlighting indicates changes to the language in G.S. 163-209.1]*

19 (c) The office of elector may be held in addition to the maximum number of appointive
20 offices allowed by G.S. 128-1.1. *[Taken from current G.S. 163-209.2 with no changes.]*

21
22 *[Staff Note: 2011 HB 638 combined these provisions into one section as shown, but placed the*
23 *section later in the Article, immediately prior to G.S. 163-214.8A of this draft.]*

24
25 *[Background Statutes:*

26 ***§ 163-209. Names of presidential electors not printed on ballots; notification.***

27 (a) *The names of candidates for electors of President and Vice-President nominated by*
28 *any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c)*
29 *by a candidate for President of the United States who has qualified to have his or her name*
30 *printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be*
31 *filed with the Secretary of State but shall not be printed on the ballot. In the case of the*
32 *unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of*

State no later than 12:00 noon on the first Friday in August. In place of their names, there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State, and the name of any candidate for President who has qualified to have his or her name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for Vice-President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State.

(b) Upon receiving the filing of a name as a candidate for elector under this section, the Secretary of State shall notify that candidate of the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.

§ 163-209.1. Notification of political parties of dual-office holding rules.

During January of each year in which electors are elected, the Secretary of State shall notify each political party authorized to nominate electors of (i) the requirement under G.S. 163-1(c) to nominate first and second alternate electors, and (ii) the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.]

"§ 163-214.4. Pledge.

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me." ~~Each~~ Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." ~~mate.~~ mate." The executed pledges must accompany the submission of the corresponding names to the ~~Secretary of State~~ Secretary of State. [UFPEA, Section 4. Highlighting indicates inconsistent use of "shall" and "must."]

[Legislative Note: This act does not deal with the possibility of death of a presidential or vice-presidential candidate before the electoral college meetings, or with any other disabling condition or the discovery of disqualifying information. A state may choose to deal separately with one or another of these possibilities.]

"§ 163-214.4A. Governor to proclaim results; casting State's vote for President and Vice President.

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the abstracts of the State Board of Elections. Upon notification, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. The Governor shall cause this proclamation to be published on the internet and in any daily newspaper published in the City of Raleigh and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station, or both. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests. [Taken and adapted from current G.S. 163-210, first paragraph only. Highlighting indicates changes to the language in G.S. 163-210, most of which was also changed in 2011 HB 638.]

[Background Statutes:

§ 163-182.15. Certificate of nomination or election, or certificate of the results of a referendum.

(a) Issued by County Board of Elections. – In ballot items within the jurisdiction of the county board of elections, the county board shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the county board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued five days after the protest is dismissed or denied by the county board of elections, unless that decision has been appealed to the State Board of Elections.*

- 1 (2) *The certificate shall be issued on the tenth day after the final decision of the*
2 *State Board, unless the State Board has ordered a new election or the issuance*
3 *of the certificate is stayed by the Superior Court of Wake County pursuant to*
4 *G.S. 163-182.14.*
- 5 (3) *If the decision of the State Board has been appealed to the Superior Court of*
6 *Wake County and the court has stayed the certification, the certificate shall*
7 *be issued five days after the entry of a final order in the case in the Superior*
8 *Court of Wake County, unless that court or an appellate court orders*
9 *otherwise.*
- 10 (4) *No certificate of election need be issued for any member of the General*
11 *Assembly following a contest of the election pursuant to Article 3 of Chapter*
12 *120.*
- 13 (b) *Issued by State Board of Elections. – In ballot items within the jurisdiction of the State*
14 *Board of Elections, the State Board of Elections shall issue a certificate of nomination or*
15 *election, or a certificate of the results of the referendum, as appropriate. The certificate shall be*
16 *issued by the State Board six days after the completion of the canvass pursuant to G.S. 163-182.5,*
17 *unless there is an election protest pending. If there is an election protest, the certificate of*
18 *nomination or election or the certificate of the result of the referendum shall be issued in one of*
19 *the following ways, as appropriate:*
- 20 (1) *The certificate shall be issued 10 days after the final decision of the State*
21 *Board on the election protest, unless the State Board has ordered a new*
22 *election or the issuance of the certificate is stayed by the Superior Court of*
23 *Wake County pursuant to G.S. 163-182.14.*
- 24 (2) *If the decision of the State Board has been appealed to the Superior Court of*
25 *Wake County and the court has stayed the certification, the certificate shall*
26 *be issued five days after the entry of a final order in the case in the Superior*
27 *Court of Wake County, unless that court or an appellate court orders*
28 *otherwise.*
- 29 (3) *The certificate shall be issued immediately upon the filing of a copy of the*
30 *determination of the General Assembly with the State Board of Elections in*
31 *contested elections involving any elective office established by Article III of*
32 *the Constitution.*
- 33 (4) *No certificate of election need be issued for any member of the General*
34 *Assembly following a contest of the election pursuant to Article 3 of Chapter*
35 *120.*
- 36 (c) *Copy to Secretary of State. – The State Board of Elections shall provide to the*
37 *Secretary of State a copy of each certificate of nomination or election, or certificate of the results*
38 *of a referendum, issued by it. The Secretary shall keep the certificates in a form readily accessible*
39 *and useful to the public.*
- 40 (d) *Determining Results. – In a primary for party nomination, the results shall be*
41 *determined in accordance with G.S. 163-111. In a general election, the individuals having the*
42 *highest number of votes for each office shall be declared elected to the office, and the certificate*
43 *shall be issued accordingly. In a referendum, the ballot proposal receiving the highest number*
44 *of votes shall be declared to have prevailed, and the certificate shall be issued accordingly.*
- 45
- 46 **§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.**
47 *Upon receipt of the certifications prepared by the State Board of Elections and delivered in*
48 *accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the*
49 *Governor of the names of the persons elected to the office of elector for President and*

Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States, either three duplicate original certificates, or one original certificate and two authenticated copies of the Certificates of Ascertainment, under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time the Governor shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States.]

"§ 163-214.5. Certification of electors.

(a) Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States, either three duplicates of the original certificate, or one original certificate and two authenticated copies of the certificate of ascertainment, under the great seal of the State setting forth the names of the persons chosen as electors for this State and the number of votes for each. The certificate of ascertainment shall be sent as soon as possible after the election so that it may be received before the meeting of electors. At the same time, the Governor shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. [Taken and adapted from current G.S.

163-210, second paragraph only, omitting the last two sentences of the second paragraph.
Highlighting indicates changes to the language in G.S. 163-210.]

(b) In submitting this ~~state's~~ State's certificate of ascertainment as required by 3 U.S.C.
~~Section § 6~~, the ~~[Governor]~~ Governor shall certify this ~~state's~~ State's electors and state in the
certificate ~~that~~ all of the following:

(1) ~~the~~ The electors will serve as electors unless a vacancy occurs in the office of
elector before the end of the meeting at which elector votes are cast, in which
case a substitute elector will fill the ~~vacancy~~; and vacancy.

(2) ~~if~~ If a substitute elector is appointed to fill a vacancy, the ~~[Governor]~~ Governor
will submit an amended certificate of ascertainment stating the names on the
final list of this ~~state's~~ State's electors. *[UPFEA, Section 5]*

[Background Statutes:

§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.

*Upon receipt of the certifications prepared by the State Board of Elections and delivered in
accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the
Governor of the names of the persons elected to the office of elector for President and
Vice-President of the United States as stated in the abstracts of the State Board of Elections.
Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the
electors and instructing them to be present in the old Hall of the House of Representatives in the
State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in
December next after their election, at which time the electors shall meet and vote on behalf of
the State for President and Vice-President of the United States. The Governor shall cause this
proclamation to be published in the daily newspapers published in the City of Raleigh. Notice
may additionally be made on a radio or television station or both, but such notice shall be in
addition to the newspaper and other required notice. The Secretary of State is responsible for
making the actual arrangements for the meeting, preparing the agenda, and inviting guests.*

*Before the date fixed for the meeting of the electors, the Governor shall send by registered
mail to the Archivist of the United States, either three duplicate original certificates, or one
original certificate and two authenticated copies of the Certificates of Ascertainment, under the
great seal of the State setting forth the names of the persons chosen as presidential electors for
this State and the number of votes cast for each. These Certificates of Ascertainment should be
sent as soon as possible after the election, but must be received before the Electoral College
meeting. At the same time the Governor shall deliver to the electors six duplicate originals of the
same certificate, each bearing the great seal of the State. At any time prior to receipt of the
certificate of the Governor or within 48 hours thereafter, any person elected to the office of
elector may resign by submitting his resignation, written and duly verified, to the Governor.
Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the
political party which nominated such elector.*

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States.

3 U.S.C. § 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.]

"§ 163-214.6. Presiding officer; elector vacancy.

(a) The ~~{Secretary of State}~~ Secretary of State shall preside at the meeting of electors described in ~~Section 7.~~ G.S. 163-214.7

(b) The position of an elector not present to vote is vacant. The ~~{Secretary of State}~~ Secretary of State shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) ~~if~~ If the alternate elector is present to vote, by appointing the alternate elector for the vacant ~~position;~~ position.

(2) ~~if~~ If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present

to vote who were nominated by the same political party ~~for or~~ unaffiliated
presidential ~~candidate~~; candidate.

(3) ~~if~~ If the number of alternate electors present to vote is insufficient to fill any
vacant position pursuant to ~~paragraphs (1) and (2)~~, subdivisions (1) and (2) of
this subsection, by appointing any immediately available individual who is
qualified to serve as an elector and chosen through nomination by and
plurality vote of the remaining electors, including nomination and vote by a
single elector if only one ~~remains~~; remains.

(4) ~~if~~ If there is a tie between at least two nominees for substitute elector in a vote
conducted under ~~paragraph (3)~~, subdivision (3) of this subsection, by
appointing an elector chosen by lot from among those ~~nominees~~; or nominees.

(5) ~~if~~ If all elector positions are vacant and cannot be filled pursuant to ~~paragraphs~~
~~(1) through (4)~~, subdivisions (1) through (4) of this subsection, by appointing
a single presidential elector, with remaining vacant positions to be filled under
~~paragraph (3)~~ subdivision (3) of this subsection and, if necessary, ~~paragraph~~
~~(4)~~ subdivision (4) of this subsection.

(c) To qualify as a substitute elector under subsection ~~(b)~~, (b) of this section, an individual
who has not executed the pledge required under ~~Section 4~~ G.S. 163-214.4 shall execute the
following pledge: "I agree to serve and to mark my ballots for President and Vice President
consistent with the pledge of the individual to whose elector position I have succeeded."

[UFPEA, Section 6]

*[Legislative Note: As with Sections 3 and 4, adjustment of this Section is required for any state
where unpledged electors are permissible. For a state wishing to accommodate unpledged
electors, the language of subsections (b)(2), (b)(3), and (c) could be changed to the following:*

*(b)(2): "if the alternate elector for the vacant position is not present to vote but other alternate
electors who were nominated by the same political party [or unaffiliated presidential candidate]*

are present, by appointing an elector chosen by lot from among those alternate electors of the same political party [or of the same unaffiliated presidential candidate]."

(b)(3): "if the vacant position is that of an unpledged elector and the alternate elector for that vacant position is not present to vote, or if there otherwise are no alternate electors eligible for the vacant position under paragraphs (1) and (2), by appointing any immediately available individual who is qualified to serve as an elector and has been chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains."

(c): "To qualify as a substitute elector for a vacant position associated with an elector who had executed a pledge, an individual who has not executed the pledge required under Section 4 shall execute the following pledge: "I agree to serve and to mark my ballots for President and Vice President consistent with the pledge of the individual to whose elector position I have succeeded.""]

"§ 163-214.7. Elector voting.

(a) At the time designated for elector voting and after all vacant positions have been filled under ~~Section 6, G.S. 163-214.6,~~ the ~~[Secretary of State]~~ Secretary of State shall provide each elector with a presidential and a vice-presidential ballot. The elector shall mark the elector's presidential and vice-presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

(b) ~~Except as otherwise provided by law of this state-State other than this [act], Article,~~ each elector shall present both completed ballots to the ~~[Secretary of State]~~ Secretary of State, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under ~~Section 4 or 6(c), G.S. 163-214.4 or G.S. 163-214.6(c).~~ ~~Except as otherwise provided by law of this state-State other than this [act], Article,~~ the ~~[Secretary of State]~~ may Secretary of State shall not accept and ~~may shall~~ not count either an elector's presidential or vice-presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under ~~Section 4 or 6(c), G.S. 163-214.4~~

or G.S. 163-214.6(c) vacates the office of elector, creating a vacant position to be filled under
~~Section 6.~~ G.S. 163-214.6.

(d) The ~~{Secretary of State}~~ Secretary of State shall distribute ballots to and collect ballots
from a substitute elector and repeat the process under this section of examining ballots, declaring
and filling vacant positions as required, and recording appropriately completed ballots from the
substituted electors, until all of this ~~state's~~ State's electoral votes have been cast and recorded.

[UFPEA, Section 7. Highlighted language may be unnecessary.]

"§ 163-214.8. Elector replacement; associated certifications.

(a) After the vote of this ~~state's~~ State's electors is completed, if the final list of electors differs
from any list that the ~~{Governor}~~ Governor previously included on a certificate of ascertainment
prepared and transmitted under 3 U.S.C. ~~Section § 6~~, the ~~{Secretary of State}~~ Secretary of State
immediately shall prepare an amended certificate of ascertainment and transmit it to the
~~{Governor}~~ Governor for the ~~{Governor's}~~ Governor's signature.

(b) The ~~{Governor}~~ Governor immediately shall deliver the signed amended certificate of
ascertainment to the ~~{Secretary of State}~~ Secretary of State and a signed duplicate original of the
amended certificate of ascertainment to all individuals entitled to receive this ~~state's~~ State's
certificate of ascertainment, indicating that the amended certificate of ascertainment is to be
substituted for the certificate of ascertainment previously submitted.

(c) The ~~{Secretary of State}~~ Secretary of State shall prepare a certificate of vote. The electors
on the final list shall sign the certificate. The ~~{Secretary of State}~~ Secretary of State shall process
and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C.
~~Sections §§ 9, 10, and 11.~~ *[UFPEA, Section 8]*

[Background Statutes:

**3 U.S.C. § 6. Credentials of electors; transmission to Archivist of the United States and to
Congress; public inspection**

*It shall be the duty of the executive of each State, as soon as practicable after the conclusion
of the appointment of the electors in such State by the final ascertainment, under and in*

1 *pursuance of the laws of such State providing for such ascertainment, to communicate by*
2 *registered mail under the seal of the State to the Archivist of the United States a certificate of*
3 *such ascertainment of the electors appointed, setting forth the names of such electors and the*
4 *canvass or other ascertainment under the laws of such State of the number of votes given or cast*
5 *for each person for whose appointment any and all votes have been given or cast; and it shall*
6 *also thereupon be the duty of the executive of each State to deliver to the electors of such State,*
7 *on or before the day on which they are required by section 7 of this title to meet, six duplicate-*
8 *originals of the same certificate under the seal of the State; and if there shall have been any final*
9 *determination in a State in the manner provided for by law of a controversy or contest concerning*
10 *the appointment of all or any of the electors of such State, it shall be the duty of the executive of*
11 *such State, as soon as practicable after such determination, to communicate under the seal of the*
12 *State to the Archivist of the United States a certificate of such determination in form and manner*
13 *as the same shall have been made; and the certificate or certificates so received by the Archivist*
14 *of the United States shall be preserved by him for one year and shall be a part of the public*
15 *records of his office and shall be open to public inspection; and the Archivist of the United States*
16 *at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies*
17 *in full of each and every such certificate so received at the National Archives and Records*
18 *Administration.*

19
20 **3 U.S.C. § 9. Certificates of votes for President and Vice President**

21 *The electors shall make and sign six certificates of all the votes given by them, each of which*
22 *certificates shall contain two distinct lists, one of the votes for President and the other of the*
23 *votes for Vice President, and shall annex to each of the certificates one of the lists of the electors*
24 *which shall have been furnished to them by direction of the executive of the State.*

25
26 **3 U.S.C. § 10. Sealing and endorsing certificates**

27 *The electors shall seal up the certificates so made by them, and certify upon each that the*
28 *lists of all the votes of such State given for President, and of all the votes given for Vice President,*
29 *are contained therein.*

30
31 **3 U.S.C. § 11. Disposition of certificates**

32 *The electors shall dispose of the certificates so made by them and the lists attached thereto*
33 *in the following manner:*

34 *First. They shall forthwith forward by registered mail one of the same to the President of the*
35 *Senate at the seat of government.*

36 *Second. Two of the same shall be delivered to the secretary of state of the State, one of which*
37 *shall be held subject to the order of the President of the Senate, the other to be preserved by him*
38 *for one year and shall be a part of the public records of his office and shall be open to public*
39 *inspection.*

40 *Third. On the day thereafter they shall forward by registered mail two of such certificates*
41 *and lists to the Archivist of the United States at the seat of government, one of which shall be*
42 *held subject to the order of the President of the Senate. The other shall be preserved by the*
43 *Archivist of the United States for one year and shall be a part of the public records of his office*
44 *and shall be open to public inspection.*

45 *Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the*
46 *judge of the district in which the electors shall have assembled.]*

"§ 163-214.8A. Appointment of electors by General Assembly in certain circumstances, by Governor in certain other circumstances.

(a) Appointment by General Assembly if No Proclamation by Six Days Before Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any elector has not been proclaimed under G.S. 163-214.4A before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session pursuant to the North Carolina Constitution for the purposes of this section, the General Assembly may fill the position of any electors whose election is not yet proclaimed.

(b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting Day. – If the appointment of any elector has not been proclaimed under G.S. 163-214.4A before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, nor appointed by the General Assembly by 12:00 noon on the day before the day set for the meeting of electors by 3 U.S.C. § 7, then the Governor shall appoint that elector.

(c) Standard for Decision by General Assembly and Governor. – In exercising their authority under subsections (a) and (b) of this section, the General Assembly and the Governor shall designate electors in accordance with their best judgment of the will of the electorate. The decisions of the General Assembly or Governor under subsections (a) and (b) of this section are not subject to judicial review, except to ensure that applicable statutory and constitutional procedures were followed. The judgment itself of what was the will of the electorate is not subject to judicial review.

(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any elector under G.S. 163-214.4A is made any time before 12:00 noon on the day set for the meeting of electors by 3 U.S.C. § 7, then that proclamation shall control over an appointment made by the General Assembly or the Governor. This section does not preclude litigation otherwise provided by law to challenge the validity of the proclamation or the procedures that resulted in

that proclamation. [Taken from current G.S. 163-213. Highlighting indicates changes to the language in G.S. 163-213.]

[Background Statutes:

3 U.S.C. § 2. Failure to make choice on prescribed day

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

3 U.S.C. § 5. Determination of controversy as to appointment of electors

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

3 U.S.C. § 7. Meeting and vote of electors

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.]

"§ 163-214.9. Uniformity of application and construction.

In applying and construing this uniform act, consideration **must** be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it."

PART II. CONFORMING AND CLARIFYING CHANGES

SECTION 2.(a) G.S. 163-1 reads as rewritten:

"§ 163-1. Time of regular elections and primaries.

(a) Unless otherwise provided by law, elections for the officers listed in the tabulation contained in this section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

(b) On Tuesday next after the first Monday in March preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices.

(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and ~~Vice President~~ Vice President of the United States. ~~The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state at large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by [G.S. 163-209] and if there is a vacancy as provided by G.S. 163-210.~~

(d) If primaries for the State Senate or State House of Representatives are temporarily moved from the date provided in subsection (b) of this section for any election year, all primaries shall be held on the same day.

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Governor	State	Tuesday next after the	Four years, from

1			first Monday in November	first day of January
2			1968 and every four years	next after election
3			thereafter	
4	Lieutenant	State	Tuesday next after the	Four years, from
5	Governor		first Monday in November	first day of January
6			1968 and every four years	next after election
7			thereafter	
8	Secretary of	State	Tuesday next after the	Four years, from
9	State		first Monday in November	first day of January
10			1968 and every four years	next after election
11			thereafter	
12	Auditor	State	Tuesday next after the	Four years, from
13			first Monday in November	first day of January
14			1968 and every four years	next after election
15			thereafter	
16	Treasurer	State	Tuesday next after the	Four years, from
17			first Monday in November	first day of January
18			1968 and every four years	next after election
19			thereafter	
20	Superintendent	State	Tuesday next after the	Four years, from
21	of Public		first Monday in November	first day of January
22	Instruction		1968 and every four years	next after election
23			thereafter	
24	Attorney			
25	General	State	Tuesday next after the	Four years, from

1			first Monday in November	first day of January
2			1968 and every four years	next after election
3			thereafter	
4	Commissioner	State	Tuesday next after the	Four years, from
5	of Agriculture		first Monday in November	first day of January
6			1968 and every four years	next after election
7			thereafter	
8	Commissioner	State	Tuesday next after the	Four years, from
9	of Labor		first Monday in November	first day of January
10			1968 and every four years	next after election
11			thereafter	
12	Commissioner	State	Tuesday next after the	Four years, from
13	of Insurance		first Monday in November	first day of January
14			1968 and every four years	next after election
15			thereafter	
16	All other State	State	Tuesday next after the	Four years, from
17	officers whose		first Monday in November	first day of January
18	terms last for		1968 and every four years	next after election
19	four years		thereafter	
20	All other State	State	Tuesday next after the	Two years, from
21	officers whose		first Monday in November	first day of January
22	terms are not		1968 and every two years	next after election
23	specified by law		thereafter	
24	State Senator	Senatorial	Tuesday next after the	Two years
25		district	first Monday in November	

1			1968 and every two years	
2			thereafter	
3	Member of	Representative	Tuesday next after the	Two years
4	State House of	district	first Monday in November	
5	Representatives		1968 and every two years	
6			thereafter	
7	Justices and	State	Except as provided in	Eight years, from
8	Judges of the		Article 1A of Chapter 7A	first day of January
9	Appellate		of the General Statutes,	next after election
10	Division		at the regular election	
11			for members of the General	
12			Assembly immediately	
13			preceding the termination	
14			of each regular term	
15				
16	Judges of the	Superior	At the regular election	Eight years, from
17	superior courts	Court District	for members of the General	first day of January
18			Assembly immediately	after next election
19			preceding the termination	
20			of each regular term	
21	Judges of the	District	At the regular election	Four years, from the
22	district courts	court district	for members of the General	first day in January
23			Assembly immediately	next after election
24			preceding the termination	
25			of each regular term	

1	District	District	At the regular election	Four years, from
2	Attorney	Attorney	for members of the General	first day of January
3		district	Assembly immediately	next after election
4			preceding the termination	
5			of each regular term	
6	Members of	Congressional	Tuesday next after the	Two years
7	House of	district,	first Monday in November	
8	Representatives	except as	1968 and every two years	
9	of the Congress	modified	thereafter	
10	of the United	by G.S. 163-104		
11	States			
12	United States	State	At the regular election	Six years
13	Senators		immediately preceding the	
14			termination of each	
15			regular term	
16				
17	County	County	At the regular election	Two years, from the
18	Commissioners		for members of the General	first Monday in
19			Assembly immediately	December next after
20			preceding the termination	election
21			of each regular term	
22	Clerk of	County	At the regular election	Four years, from the
23	superior court		for members of the General	first Monday in
24			Assembly immediately	December next after
25			preceding the termination	election

1			of each regular term	
2	Register of	County	At the regular election	Four years, from the
3	Deeds		for members of the General	first Monday in
4			Assembly immediately	December next after
5			preceding the termination	election
6			of each regular term	
7	Sheriff	County	At the regular election	Four years, from the
8			for members of the General	first Monday in
9			Assembly immediately	December next after
10			preceding the termination	election
11			of each regular term	
12	Coroner	County	At the regular election	Four years, from the
13			for members of the General	first Monday in
14			Assembly immediately	December next after
15			preceding the termination	election
16			of a regular term	
17				
18	County	County	Tuesday next after the	Two years, from the
19	treasurer (in		first Monday in November	first Monday in
20	counties in		1968 and every two years	December next after
21	which elected)		thereafter	election
22	All other	County	Tuesday next after the	Two years, from the
23	county officers		first Monday in November	first Monday in
24	to be elected		1968 and every two years	December next after
25	by the people		thereafter	election"

[Staff Note: The new G.S. 163-214.3(b) of this draft includes the substance of the stricken language.]

SECTION 2.(b) G.S. 163-122 reads as rewritten:

"§ 163-122. Unaffiliated candidates nominated by petition.

(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have the voter's name printed on the general election ballot as an unaffiliated candidate ~~shall~~ **shall** meet the applicable requirements, as follows:

(1) If the office is a statewide office, file written petitions with the State Board of Elections supporting the voter's candidacy for a specified office. These petitions **must** be filed with the State Board of Elections on or before 12:00 noon on the day of the primary election and **must** be signed by qualified voters of the State equal in number to one and a half percent (1.5%) of the total number of voters who voted in the most recent general election for Governor. Also, the petition **must** be signed by at least 200 registered voters from each of three congressional districts in North Carolina. The petitions **shall** be divided into sections based on the county in which the signatures were obtained. Provided the petitions are timely filed, the State Board of Elections **shall** require the filed petition be verified no later than 15 business days after canvass of the primary in one of the following ways:

a. The Executive Director **shall** examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the designated county and **shall** attach to the petition a signed certificate. ~~Said certificates~~ The certificate **shall** state that the signatures on the petition have been

checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in each county.

b. The chair shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the chair's county and shall attach to the petition the chair's signed certificate. ~~Said certificates.~~ The certificate shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

(2) Except as provided in this subsection, if the office is a district office under the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file written petitions with the State Board of Elections supporting that voter's candidacy for a specified office. For district offices other than General Assembly seats, petitions must be filed with the State Board of Elections on or before 12:00 noon on the day of the primary election and must be signed by qualified voters of the district equal in number to one and a half percent (1.5%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. For General Assembly seats in which the district lies in more than one county, petitions must be filed with the State Board of Elections on or before 12:00 noon on the day of the

primary election and **must** be signed by qualified voters of the district equal in number to four percent (4%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. The petitions **shall** be divided into sections based on the county in which the signatures were obtained. The petitions **shall** be verified as specified in subdivision (1) of this subsection.

- (3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's candidacy for a specified county office. These petitions **must** be filed with the county board of elections on or before 12:00 noon on the day of the primary election and **must** be signed by qualified voters of the county equal in number to four percent (4%) of the total number of registered voters in the county as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions **must** be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition **shall** be presented to the chair or director of the county board of elections. The chair or director of the county board of elections **shall** verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this ~~subsection, subsection~~ and **shall** return a copy of each petition,

1 together with a copy of the certificate required in this section, to the person
2 who presented it to the county board of elections.

3 (4) If the office is a partisan municipal office, file written petitions with the chair
4 or director of the county board of elections in the county ~~wherein~~where the
5 municipality is located supporting the voter's candidacy for a specified
6 municipal office. These petitions **must** be filed with the county board of
7 elections on or before the time and date specified in G.S. 163-296 and **must**
8 be signed by the number of qualified voters specified in G.S. 163-296. The
9 chair or director of the county board of elections **shall** verify the filed petition
10 no later than 15 business days after canvass as provided in sub-subdivision b.
11 of subdivision (1) of this ~~subsection~~subsection and **shall** return a copy of each
12 petition, together with a copy of the certificate required in this section, to the
13 person who presented it to the county board of elections.

14 (5) If the office is a superior court judge or a district court judge, regardless of
15 whether the district lies entirely in one county or in more than one county, file
16 written petitions with the State Board of Elections supporting that voter's
17 candidacy for a specified office. These petitions **must** be filed with the State
18 Board of Elections on or before 12:00 noon on the day of the primary election
19 and **must** be signed by qualified voters of the district equal in number to two
20 percent (2%) of the total number of registered voters in the district as reflected
21 by the voter registration records of the State Board of Elections as of January
22 1 of the year in which the general election is to be held. The petitions **shall** be
23 divided into sections based on the county in which the signatures were
24 obtained. The petitions **shall** be verified as specified in subdivision (1) of this
25 subsection.

1 Upon compliance with ~~the provisions of~~ subdivisions (1), (2), (3), (4), or (5) of this
2 subsection, the board of elections with which the petitions have been timely filed **shall** cause the
3 unaffiliated candidate's name to be printed on the general election ballots in accordance with
4 Article 14A of this Chapter. A candidate for President who has qualified for the general election
5 ballot as an unaffiliated candidate under this section **shall** no later than 12:00 noon on the first
6 Friday in August, file with the State Board of Elections the name of a candidate for Vice
7 President, whose name **shall** also be printed on the ballot.

8 (b) Limitation. – An individual whose name appeared on the ballot in a primary election
9 preliminary to the general election **shall** not be eligible to have that individual's name placed on
10 the general election ballot as an unaffiliated candidate for the same office in that year.

11 (c) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed on the
12 general election ballot **shall** contain on the heading of each page of the petition in bold print or
13 in all capital letters the words: "THE UNDERSIGNED REGISTERED VOTERS IN
14 _____ COUNTY HEREBY PETITION ON BEHALF OF _____ AS AN
15 UNAFFILIATED CANDIDATE FOR THE OFFICE OF _____ IN THE NEXT
16 GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT
17 CANDIDATE BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE
18 WITH THE PROVISIONS CONTAINED IN G.S. 163-122."

19 (d) Inspection of Petition; Request For Hearing. – When any person files a petition with
20 a board of elections under this section, the board of elections **shall** immediately upon receipt of
21 the petition, inspect the registration records of the county and cancel the petition of any person
22 who does not meet the constitutional or statutory qualifications for the office, including
23 residency.

24 The board **shall** give notice of cancellation to any person whose petition has been cancelled
25 under this subsection by mail or by having the notice served on that person by the sheriff and to

any other candidate filing for the same office. A person whose petition has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of this Chapter.

(e) Filing Fee. — Any candidate seeking to have that candidate's name printed on the general election ballot under this section shall pay a filing fee equal to that provided for candidates for the office in G.S. 163-107 or comply with the alternative available to candidates for the office in G.S. 163-107.1."

[Staff Note: The language added to subsection (a) came from current G.S. 163-209(a).]

PART III. EFFECTIVE DATE AND APPLICABILITY

SECTION 3. This act is effective when it becomes law and applies to presidential elections held on or after that date.

[Staff Note: The following provisions exist in current law and are repealed in this draft. Consistent with the approach taken in 2011 HB 638, they are not reincorporated into the new Article 18B in this draft:

§ 163-208. Conduct of presidential election.

Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this Chapter for the election of State officers.

§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.

...

At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States.

§ 163-211. Compensation of presidential electors.

1 *Presidential electors shall be paid, for attending the meeting held in the City of Raleigh on*
2 *the first Monday after the second Wednesday in December next after their election, the sum of*
3 *forty-four dollars (\$44.00) per day and traveling expenses at the rate of seventeen cents (17¢)*
4 *per mile in going to and returning home from the required meeting.*

5
6 ***§ 163-212. Penalty for failure of presidential elector to attend and vote.***

7 *Any presidential elector having previously signified his consent to serve as such, who fails to*
8 *attend and vote for the candidate of the political party which nominated such elector, for*
9 *President and Vice-President of the United States at the time and place directed in G.S. 163-210*
10 *(except in case of sickness or other unavoidable accident) shall forfeit and pay to the State five*
11 *hundred dollars (\$500.00), to be recovered by the Attorney General in the Superior Court of*
12 *Wake County. In addition to such forfeiture, refusal or failure to vote for the candidates of the*
13 *political party which nominated such elector shall constitute a resignation from the office of*
14 *elector, his vote shall not be recorded, and the remaining electors shall forthwith fill such*
15 *vacancy as hereinbefore provided.*

16 *The clear proceeds of forfeitures provided for in this section shall be remitted to the Civil*
17 *Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.]*